

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**PREMIER ELECTRONICS, L.L.C.**

*Plaintiff,*

v.

**VIVINT INC.,**

*Defendant.*

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**Civil Action No. 4:19cv57  
Judge Mazzant**

<b>PLAINTIFF’S UNOPPOSED MOTION TO DISMISS WITHOUT PREJUDICE</b>
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Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff Premier Electronics, L.L.C. (“Premier”) files this Plaintiff’s Unopposed Motion to Dismiss without Prejudice.

1. Premier has determined that this lawsuit may have been filed prematurely. Premier seeks a dismissal without prejudice so it can conduct a further inquiry as to certain facts which may be inaccurately set forth in its complaint.

2. No counterclaim, cross-claim, or third-party claim has been filed in this matter.

3. Although Vivint entered a general denial in the state court before removing this case to federal court, Vivint has not yet filed an answer to Plaintiff’s First Amended Complaint.

**PRAYER**

**FOR THESE REASONS,** Premier prays that this Court dismiss this case without prejudice at this time.

Respectfully submitted,

*/s/ John M. Frick*

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**John M. Frick**  
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**ATTORNEYS FOR PLAINTIFF  
PREMIER ELECTRONICS, L.L.C.**

**CERTIFICATE OF CONFERENCE**

On March 7, 2019, I personally conferred with Joshua Bennett, attorney of record for Defendant Vivint, Inc., regarding the merits of the foregoing Plaintiff's Unopposed Motion to Dismiss without Prejudice. Defendant does not oppose this Motion.

*/s/ John M. Frick*

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John M. Frick

**CERTIFICATE OF SERVICE**

On the 8<sup>th</sup> day of March, 2019, a true and correct copy of this Plaintiff's Unopposed Motion to Dismiss without Prejudice was served on the following attorneys of record via the CM/ECF system:

Joshua J. Bennett  
E. Leon Carter  
Dorothy Abzanka Culham  
**CARTER ARNETT PLLC**  
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Dallas, TX 75206

*/s/ John M. Frick*

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John M. Frick